

Chairman Ruth called the regular meeting of the Town of Walworth Planning Board to order at 7:32 P.M. Members present were Gene Bavis, Larry Ruth, Deborah Amsler and Karel Ambroz. Elaine Leasure was absent. Also present was Phil Williamson, Code Enforcement Officer, Norm Druschel, Building Inspector and Carl Hewings, Town Engineer.

Gene Bavis made a motion, seconded by Deb Amsler, to dispense with the formal reading of the legal notice.

Motion carried.

Deb Amsler made a motion, seconded by Gene Bavis, to approve the minutes of June 18, 2008 as presented.

Roll Vote:	Gene Bavis	Aye
	Larry Ruth	Aye
	Deborah Amsler	Aye
	Karel Ambroz	Aye
	Elaine Leasure	Absent.

Motion carried.

1. Application of Shawn T. Haak for review of pond permit for property located at 3891 Boynton Road at the corner of Boynton Road and Wal-Marion Road (Lot #9 Fields Crossroad Subdivision). Property is zoned: RR-1.

Dennis Tabor, 46 Orchard Terrace was present representing Shawn T. Haak owner of the property. An affidavit was signed by Mr. Haak and filed with the application to allow Mr. Tabor to speak on his behalf. The Board was in receipt of a pond plan prepared by Schultz Associates of Spencerport, New York, dated 6/3/2008.

At the previous worksession on May 21, 2008 the applicant was told that the pond could not be closer than 100 feet from any property line. Chairman Ruth stated that the plan as presented still showed the pond location to be about 50 feet from the property line and therefore not in compliance with Town Code.

Phil Williamson said that in order to comply with Town Code Mr. Haak will need to relocate the pond beyond the 100 foot requirement. Mr. Haak was advised that the next step would be to have Schultz Associates get in touch with Carl Hewings, Town Engineer as to what changes are needed on the map to meet Town Code requirements. Once the revised map is reviewed to the satisfaction of the Town Engineer, the application will be scheduled for the next Planning Board meeting.

Phil Williamson stated that if Mr. Haak wanted the pond to remain closer than the 100 feet requirement, an application would have to be submitted to go before the Zoning Board of Appeals to seek a variance. If the Zoning Board of Appeals decided to grant the variance it would then need to return to the Planning Board. The question was raised as to whether or not there have been other variances granted for ponds. Phil Williamson said there is no set precedent as each application stands on its own merit. Dennis Tabor said that he would discuss the options with Shawn Haak.

2. Application of Martin Lazzaro and Gary Lazzaro for Preliminary and Final Subdivision and Site Plan Approval to re-subdivide Lot #1 of the Fields Crossroads Subdivision into 2 lots 1A and 1B. Property is located at the corner of Boynton Road and Wal-Marion Road. Property is zoned: RR-1. (Public Hearing).

Marty Lazzaro and his father Gary Lazzaro, along with Dennis Tabor were present to discuss the application. The Board member were in receipt of a map entitled, Resubdivision of Fields Crossroads Subdivision, prepared by Schultz Associates of Spencerport, New York, dated 5/30/2008. The intent is to resubdivide Lot 1 into two lots. Lot 1A would be 4.811 acres and Lot 1B would be 5.054 acres.

Deep hole and perk test were completed by Schultz Associates and witnessed by the Norm Druschel.

Chairman Ruth questioned the access onto Route 441. Dennis Tabor responded that there was an easement for utilities only.

Gene Bavis stated that a legal agreement would be needed to drawn up for a shared drive. Dennis Tabor explained that both driveways are actually off of a cul-de-sac and not shared, therefore no legal agreement would be necessary.

The Board questioned the location of the pond from the property line. The pond is 110 ft. from the north and 105 ft. from the west, so the pond location would meet the setback requirement.

Discussion ensued about the pond being drawn as part of the site plan and whether or not it could be approved. Phil Williamson stated that a separate pond plan, prepared by the applicant's engineer and approved by the DEC would need to be submitted prior to issuance of a pond permit. Carl Hewings stated that additional engineering information, such as hydro-flow data and water surface calculations must be provided as part of the pond plan. Phil Williamson stated that once the pond plan has been reviewed by Carl Hewings and said to be in compliance with all requirements as set forth in Walworth Town Code Section § 180.44 the matter can then be scheduled to come back before the Planning Board. Further discussion involving the ponds use for geo-thermal energy ensued. Dennis Tabor briefly explained how the pipes are installed under the bed of the pond. Phil Williamson stated that there was nothing in the Town Code addressing the regulation of geo-thermal installations.

Gene Bavis said he had no problem approving the site plan as presented, as long as the following conditions were put on the approval, 1) that additional hydro-flow data and water surface calculation are submitted and approved the Town Engineer, and 2) the pond complies with requirement in the Town Code regarding ponds (§ 180-44. Pond Regulations). The Planning Board members concurred with Mr. Bavis.

Chairman Ruth opened the public hearing.

There were no comments from the public.

Gene Bavis made a motion, seconded by Karel Ambroz to close the public hearing. Motion carried.

Gene Bavis made the following motion, seconded by Deb Amsler:

I move that the subdivision and site plan for the Re-subdivision of Lot #1 of the Fields Crossroad Subdivision be approved with the following conditions.

1. Hydro-flow data and water surface calculations are submitted and approved by the Town Engineer.
2. Pond complies with all requirements of Walworth Town Code Section § 180.44.

Roll Vote:	Karel Ambroz	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye
	Elaine Leasure	Absent

Motion carried.

Gene Bavis made the following motion, seconded by Karel Ambroz:

After reviewing the Site Plan the Town of Walworth Planning Board has determined that a suitable park or parks of adequate size cannot be properly located in any such Site Plan and is otherwise not practical. Therefore a payment to the town (the amount having been determined by the Town Board and found in Tow Code § 180 paragraph E. (13)) shall be assessed at the time of issuance of a building permit. Said sum shall, be used by the town exclusively, for neighborhood parks, playgrounds or other recreational purposes including the acquisition of property.

Roll Vote:	Karel Ambroz	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye
	Elaine Leasure	Absent

Motion carried.

3. Application of Home Leasing, LLC for Preliminary and Final Subdivision of 4.71 acres off of total acreage of 57.85 acres. Property is located on Canandaigua Road, approximately 2,550 ft. south of Route 441, and 2,900 ft. north of Gananda Parkway. Also, Preliminary and Final Site Plan Approval for proposed 62 unit, 3-story senior living facility and associated parking to be located on the 4.71 parcel. Property is zoned: Planned Unit Development – PUD. (Public Hearing).

George DeRue from Home Leasing, 603 Clinton Square, Rochester was present to answer questions of the Board and from the public.

The Board had opportunity to look at the Subdivision Map, entitled Gananda Senior Living, prepared by BME Associates, 10 Lift Bridge Lane East, Fairport, New York, dated June 2008.

George DeRue reported that after numerous meetings between the Town and those associated with the project, Carl Hewings came up with the list of items in a letter dated June 23, 2008 that needed to be addressed. Mr. DeRue stated that they had responded to the 32 items in a letter to Parrone Engineering, dated July 7, 2008. With the exception of some additional modifications to the emergency access road all items has been addressed.

George DeRue stated that he had met with the Norm Druschel, Robert Plant and Pete Marini, Firechief, to discuss the emergency access. Mr. DeRue stated that access road has been designed per recommendation to support C20 loading with gravel base in lieu of asphalt. Pete Marini approved of the design. Mr. DeRue explained that the intent is to be able to access the center of the building from both ends.

There was concern about the ability of the emergency vehicles to gain access thru the safety chained area. Discussion ensued as to whether there was an adequate turn radius to maneuver the Quint. Mr. DeRue said that he would reexamine the turn radius and make modifications if necessary, possibility by eliminating one of the parking spaces.

George DeRue stated there was one small change. Some of the trees along the road will be removed to provide a buffer to the neighbor to the North.

Chairman Ruth opened the public hearing.

Chairman Ruth read a letter from a resident of Canandaigua Road.

“My name is Lauren Sheive. I live on Canandaigua Rd. I am voicing my opposition for the senior complex. I realize that it is already a done deal and that this “public” meeting is a necessity. I say this because the person behind the project has already been allowed two variances concerning a free-standing building, which obviously means there will be something going up there. Beside the politics of the complex, I am concerned about the lack of a bus line, grocery store, etc. which will be hard for senior living there.

I will add at this time, that it is my fear, that suddenly Walworth will “need” more development to satisfy the needs of residents. Forget “lowering’ our taxes by growth. Look at poor Macedon, I don’t think their taxes have done anything but double, and they are stuck with chain stores. We are lucky...yes lucky, to be in the center of all the tackiness and yet remain “green”. Because it is vacant land doesn’t mean it need to be destroyed, paved whatever.

Taxes are already ridiculous, not because we don’t have a lot of houses, but because of Gananda and other developments, and the need for services, schools, buses, etc. I am sure the town is generously going to give tax breaks for the project. Who will be responsible for plowing, lighting, water & sewers? Every year? So, while I know it is futile, it is also my right as a taxpayer to voice my opposition. Lauren Sheive”

There were no further comments from the public.

Gene Bavis made a motion, seconded by Karel Ambroz to close the public hearing.

Roll Vote:	Karel Ambroz	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye
	Elaine Leasure	Absent

Motion carried.

Gene Bavis made the motion, seconded by Deb Amsler that the subdivision and site plan for Gananda Senior Housing Complex be approved with the following condition.

After reviewing the Site Plan the Town of Walworth Planning Board has determined that a suitable park or parks of adequate size cannot be properly located in any Site Plan and is otherwise not practical. Therefore a payment to the town (the amount having been determined by the Town Board and found in Town Code § 180 paragraph E. (13)) shall be assessed at the time of issuance of a building permit. Said sum shall be used by the Town exclusively, for neighborhood parks, playgrounds or other recreational purposes including the acquisition of property.

Roll Vote:	Karel Ambroz	Aye
	Larry Ruth	Aye
	Deb Amsler	Aye
	Karel Ambroz	Aye
	Elaine Leasure	Absent

Motion carried.

George DeRue asked if SEQR was required. Phil Williamson stated for the record that SEQR was reviewed and completed as part of the original approval of the Planned Development of which the proposed Senior Housing Complex is located.

4. Other – Application of Tim Craft for a Home Occupation Major, Category A to operate a firewood business at property located at 1601 Atlantic Avenue at the Corner of Atlantic and Downs Road. Property is zoned: RR-1.

Tim Craft was present to discuss the application. Mr. Craft explained that he want to operate a firewood business at 1601 Atlantic Avenue location. The extent of the business is to cut, split, stockpile and deliver firewood from that location. Chairman Ruth questioned if the applicant would be harvesting wood from the property? Mr. Craft stated that he would not be harvesting on the premises, but be bringing in truck loads of logs harvested elsewhere.

At the July meeting of the Zoning Board of Appeals, the matter was referred back to the Planning Board to review the SEQR materials as the members of the Zoning Board of Appeals were unfamiliar with the SEQR process. Gene Bavis asked if the SEQR forms had been completed. The Board members were shown the completed SEQR application.

Phil Williamson explained to the Board that Mr. Craft is first seeking a use variance from the Zoning Board of Appeals to allow him to operate a firewood business using logs **not** harvested on the premises, which does not comply with Town Code. Mr. Williamson further explained that Mr. Craft was appearing before the Planning Board to get concept approval of the Home Occupation, Major, Category A, prior to going back before the Zoning Board of Appeals to request a Use Variance. The application will also have to be sent to the County for their review. If a use variance is granted by the Zoning Board of Appeals, the application for Home Occupation, Major, Category A. will then be advertised for a public hearing at the Planning Board meeting.

Chairman Ruth stated for the record that he did not have any problem with the concept of the Home Occupation, Major – Category A being heard by the Planning Board if a use variance is granted. The other member concurred.

Phil Williamson stated that Mr. Craft was working with Fred Shelley of Shelley Associates, P.E., L.S., P.C. who has prepared a Preliminary/Final Site Plan, entitled Craft Firewood Site Plan, dated 7/14/2008. The Board members were in receipt of the map.

Chairman Ruth advised Mr. Craft that the Planning Board would be questioning him about the specific conditions under which he will operate the business, such as hours of operation. Mr. Craft responded that the hours would probably be from dawn to dusk. Chairman Ruth suggested that Mr. Craft be more specific with the hours and days of operation, so that “there isn’t any controversy as to when dawn is and when dusk is”. Chairman Ruth stated that the issue of noise will likely be raised. Mr. Craft admitted that at the Zoning Board of Appeals public hearing, a nearby neighbor had a concern about the noise of the machinery, but Mr. Craft stated that in his opinion that because of the buffering of trees on the property that the operation would be “relatively quiet”. The July Zoning Board of Appeals meeting was tabled until August 4, 2008.

Chairman Ruth adjourned the meeting at 8:45 P.M.

